

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANGELA MARIE HEADEN,	:	
	:	No. 1:13-cv-00726
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
SLOAN D. GIBSON, Acting	:	
Secretary, Department of	:	
Veterans Affairs,	:	
	:	
Defendant.	:	

This matter is before the Court on the November 5, 2014 Report and Recommendation of Magistrate Judge Karen L. Litkovitz (doc. 22) concerning Plaintiff's failure to respond to the Order to Show Cause issued October 1, 2014 (doc. 21). Proper notice was given to the parties, including Plaintiff, as required under 28 U.S.C. § 636(b)(1)(C). Said notice included an admonition that a failure to file objections to the Report and Recommendation in a timely manner "may forfeit rights on appeal" (doc. 22 at 3 (citing Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981) ("[A] party shall file objections with the district court or else waive right to appeal."))).

To date, no objections have been filed. The docket sheet reflects that Plaintiff, who proceeds pro se, was sent a copy of the Report and Recommendation on the day it was issued by

certified mail, return receipt requested (doc. 22 at 4 (PAGEID #: 68)). As yet, no domestic return receipt or "green card" has been returned to the Clerk's office. The Court notes, however, that the envelope containing the Magistrate Judge's October 1, 2014 Order to Show Cause, the subject of the instant Report and Recommendation, was returned on November 19, 2014 having been stamped "UNCLAIMED" by the U.S. Postal Service (see doc. 21, Attachment 1 (PAGEID #: 64) & doc. 23).

Although no objections have been filed, this Court nonetheless has reviewed this matter de novo, and finds the Magistrate Judge's Report and Recommendation to be well-reasoned and correct. District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases," quoting Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). Moreover, Plaintiff's failure to litigate her case and to obey a court order warrants dismissal pursuant to Fed. R. Civ. P. 41(b). Jourdan v. Jabe, 951 F.2d 108, 109-110 (6th Cir. 1991). We are mindful that Plaintiff is proceeding pro se, but the special consideration required by Estelle v. Gamble, 429 U.S. 97, 106 (1976) does not attach when the dismissal contemplated occurs not "as the result of inartful pleading or any lack of legal training, but rather because [Plaintiff] failed to adhere to readily comprehended court

deadlines." Jourdan, 951 F.2d at 110. And while Plaintiff may not have been "well-aware" of the contents of the Magistrate Judge's October 1, 2014 Order to Show Cause, she only has herself to blame inasmuch as she failed to claim the envelope in which it was mailed to her. This Court has more than adequately accommodated her pro se status. See McNeil v. United States, 508 U.S. 106, 113 (1993) ("[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.").

Accordingly, we ACCEPT, ADOPT and AFFIRM the recommendation of the Magistrate Judge (doc. 22), and thus **DISMISS** Plaintiff Angela Marie Headen's case in its entirety for want of prosecution and for failure to obey the Court's Order to Show Cause issued October 1, 2014 (see doc. 21). Further, we certify that, for the foregoing reasons and those set forth in the October 1 Order, any appeal would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3), and, consequently, any application made to this Court to appeal in forma pauperis will be denied. See Fed. R. App. P. 24(a)(3)(A)). As a non-prisoner, however, Plaintiff is informed that she may file, within thirty (30) days after the Clerk serves her with this Order, a motion to proceed without prepayment of fees with the United States Court of Appeals for the Sixth Circuit. See Fed.

R. App. 24(a)(5); Callihan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999), overruling in part Floyd v. United States Postal Serv., 105 F.3d 274, 277 (6th Cir. 1997).

SO ORDERED.

Dated: December 2, 2014 s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge